



County of Los Angeles CHIEF EXECUTIVE OFFICE

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March 27, 2009

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

This memorandum contains the status of 17 proposals for which the County is sponsoring legislation. Five of these proposals have been incorporated into County-sponsored legislation or included in an omnibus bill or a budget trailer bill, and the Sacramento advocates continue to seek a vehicle for one proposal, which was initiated by Board action after the bill introduction deadline. Of the remaining 11 proposals, 1) four are included in legislation sponsored by other entities, and they will be analyzed for County support and consistency with Board policy; 2) five will be considered in 2010 because an author could not be secured or they require further development; and 3) two may be implemented administratively and may not require legislation.

County-Sponsored Legislation

AB 139 (Brownley) - Funding of Local and Regional Watershed Projects. As introduced on January 20, 2009, AB 139 would authorize the Los Angeles County Flood Control District to implement storm water fees to fund clean water programs upon voter approval and consistent with the requirements of Proposition 218. AB 139 is currently in the Assembly Local Government Committee awaiting a hearing date.

AB 87 (Davis) - Single-Use Carryout Bags. As amended on March 18, 2009, AB 87 would prohibit a store, on and after July 1, 2010, from providing a single-use carryout bag to a customer unless the store charges a fee of not less than \$0.25 per bag at the

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point of sale. The bill would exempt certain low-income customers from paying the fee. AB 87 also would establish the Bag Pollution Fund in the State Treasury and require a store to remit the fees to the State Board of Equalization for deposit into the fund, and require the manufacturer of single-use carryout bags to develop educational materials to encourage the reduction, reuse, and recycling of single-use bags. AB 87 is scheduled for a hearing in the Assembly Natural Resources Committee on April 13, 2009.

SB 179 (Runner) - Streamlining Appeals Following the Termination of Parental Rights. As introduced on February 17, 2009, SB 179 would streamline the appeals process for Termination of Parental Rights and promote the placement of children in adoptive homes by: 1) reducing the time period for a birth parent to file an appeal from 60 days to 30 days when the Juvenile Court orders the Termination of Parental Rights; 2) modifying the current process of serving the Termination of Parental Rights to birth parents by allowing the notice of termination and appeal rights documents to be served directly to the birth parents if they are present in court when the order is made; and 3) allowing the Termination of Parental Rights order to automatically take effect 180 days after the order is issued. SB 179 is scheduled for a hearing in the Senate Judiciary Committee on March 31, 2009.

Alhambra Unified School District – School Facilities Improvement District. The Sacramento advocates have submitted language for inclusion in **SB 113**, the Senate Local Government Omnibus bill. One of the bill's provisions would authorize a county board of supervisors to form a School Facilities Improvement District in an individual school district. SB 113 is scheduled for hearing in the Senate Committee on Local Government on April 15, 2009.

Child Care Recruitment/Retention Incentive Program. The Sacramento advocates have submitted language to Assembly and Senate Budget Committee staff for inclusion in the FY 2009-10 Education Budget Trailer Bill that would eliminate the June 30, 2009 sunset date and permanently expand the County's Child Care Recruitment/Retention Incentive Program to provide educational stipends for persons working in licensed family child care and child care centers that do not hold California Department of Education contracts.

Feasibility of Off-Site Board of Supervisors Meetings. The Board directed the Chief Executive Office (CEO) to seek legislation to remove the restriction that regular meetings of boards of supervisors be held in the county seat. This motion was approved after the bill introduction deadline; therefore, the Sacramento advocates sought to include this language in SB 113, the Senate Local Government Omnibus bill. However, the language was not accepted because Assembly committee staff asked that

this issue be considered in stand-alone legislation. The Sacramento advocates continue to explore potential legislative vehicles for this proposal.

Proposals Included in Legislation Sponsored by Other Entities

The following proposals are included in legislation sponsored by other entities. The CEO will analyze these proposals for potential County-support consistent with Board action.

Emancipated Foster Youth. H.R. 6893, the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 gives states the option to extend foster care and support to youth up to 21 years of age using Federal Title IV-E funds. **AB 12 (Beall)**, as amended on March 23, 2009, would change State law to enact this state option. On March 17, 2009, the Board instructed the CEO, and the Department of Children and Family Services (DCFS) to support AB 12 in concept and to report back to your Board in 30 days with an analysis of the bill and impact to the County. A report will be submitted next week containing a preliminary analysis of the bill. We will not seek separate County-sponsored legislation to provide enhanced services and financial support to emancipated foster youth between 18 and 21 years of age because it is likely that AB 12 will address this issue.

Kin-GAP Funding. The Department of Children and Family Services and this office recommended sponsorship of legislation to continue Kin-GAP payments to the relative caregiver when a parent, relative, or party other than the relative caregiver files a petition to request a visitation or change in guardianship. Under current law, Kin-GAP is terminated and dependency is reinstated when a petition is filed with the court. H.R. 6893 also gives states the option of using Federal Title IV-E funds for kinship care. It is expected that **AB 12 (Beall)** will be amended to include this State option. Pursuant to the March 17, 2009 Board motion referenced above, the Sacramento advocates will pursue amendments to AB 12 to continue Kin-GAP payments to relative caregivers through the judicial process.

Extended Producer Responsibility. On November 5, 2008, the Board directed the Sacramento advocates to pursue legislation and Statewide policies that shift end-of-life management production costs from local government to manufacturers, and incentivize the redesign of products that impact public health and the environment. Although the Sacramento advocates were unable to secure an author for this proposal, **AB 283 (Chesbro)**, as introduced on February 12, 2009, addresses most of the issues in the Board motion. The CEO will analyze this measure for potential County support.

Documentary Transfer Tax Proposal. The Board directed the CEO to pursue County-sponsored legislation to improve the process for Documentary Transfer Tax enforcement, including but not limited to: 1) authorization to develop a mechanism for sharing information between the State Board of Equalization and County Recorders, which could assist in the discovery of undisclosed transactions; and 2) extend the statute of limitations on Documentary Transfer Tax enforcement to all counties to allow additional time to pursue transfer tax collections.

The Sacramento advocates were not able to secure an author for this proposal. However, **SB 816 (Ducheny)**, which is sponsored by the California Assessor's Association, appears to be consistent with the Board action. As introduced on February 27, 2009, SB 816 would: 1) require a county assessor to disclose information to a county recorder when an investigation is being conducted to determine whether a Documentary Transfer Tax is due; 2) allow a county board of supervisors to adopt an ordinance to establish an administrative appeals process for resolution of disputes related to the Documentary Transfer Tax; and 3) require corporations to disclose transactions within 45 days or be faced with a penalty. The CEO will analyze this measure for potential County support.

Legislative Proposals for County-Sponsorship in 2010

The CEO and the Sacramento advocates will continue to work with departments to develop legislation on the following proposals for introduction in 2010 because an author could not be secured or the proposal requires further development.

Retention of Unspent Child Care and Development Funds. The CEO and the Sacramento advocates have been in discussions with Assembly Member Lieu's staff regarding potential legislation to allow the retention of unspent child care development funds in Los Angeles County to expand full-day, full-year child care and development programs to meet the needs of children and families in the County. However, no legislation has been introduced. The CEO will continue monitoring implementation of AB 1279 (Chapter 759, Statutes of 2008), which requires the California Department of Education to promote full utilization of child care and development funds and to match available unused funds with identified service needs to determine if the measure allows counties to retain unspent funds. This proposal will be reevaluated for County-sponsorship in 2010.

Automated System for Sharing Client Information. The Board instructed the CEO, in conjunction with the departments of Children and Family Services, Health Services, Mental Health, Probation, Public Health – Alcohol and Drug Services, Public Social Services, and State and local law enforcement agencies to develop recommendations

for legislative changes to address prohibitions against information sharing between agencies. The CEO convened a workgroup consisting of representatives from these departments to develop recommendations to address the Board motion. However, the workgroup determined that it needs more time to evaluate this issue and to develop legislative proposals. Therefore, the Sacramento advocates will seek County-sponsored legislation to address prohibitions against information sharing in 2010.

In-Home Supportive Services (IHSS) Fraud Prevention. The Board directed the CEO, in consultation with the Director of Department of Public Social Services (DPSS), the Acting Chief Information Officer, and the Sacramento advocates to report to the Board on potential strategies, both on a legislative and operational level, to improve program integrity and prevent fraud in the IHSS Program. In August 2008, DPSS convened a roundtable to discuss IHSS fraud prevention/detection strategies. The workgroup continues to meet, but there are no legislative proposals at this time. Additionally, the Legislature has expressed an interest in IHSS Program integrity and quality assurance. On March 24, 2009, the Senate Human Services Committee conducted an informational hearing at which the Director of DPSS testified on the County's initiatives to improve the IHSS Program integrity and to prevent and detect fraud. The CEO and DPSS will continue to assess areas for potential legislation and pursue this issue for County-sponsorship in 2010.

Background Checks for Foster Youth Mentors. The Department of Children and Family Services and this office recommended sponsorship of legislation to allow Child Abuse Criminal Index (CACI) background investigations on all potential mentors of foster children and youth. After further evaluation and in consultation with the County Welfare Directors Association (CWDA), it has been determined that further review and assessment of the CACI database is needed prior to pursuing this legislative proposal. Therefore, the Sacramento advocates will seek County-sponsored legislation in 2010.

Use of Condoms in the Adult Film Industry. The Sacramento advocates and two co-sponsors, the AIDS Healthcare Foundation and San Francisco AIDS Foundation, sought an author to require adult film companies to: have performers in the Adult Film Industry use condoms, provide and pay for HIV and sexually transmitted disease testing and vaccination for performers, and develop written health and safety programs for performers at film production worksites. The Sacramento advocates approached 10 Los Angeles County delegation members and seven Bay Area and Northern California members, but were not successful in securing an author. Therefore, the Sacramento advocates will seek County-sponsored legislation to require the use of condoms in the adult film industry in 2010.

Legislative Proposals Addressed Through Administrative Changes

The following proposals will be addressed through State and County administrative changes and do not require legislative action at this time.

Sex Offender Registration. The Board instructed the CEO to work with DCFS, DPSS, and the Sacramento advocates to seek legislation to impose civil or criminal penalties on licensed foster and child care providers who allow and/or fail to report registered sex offenders living on or near their facilities. Under current State law, foster and child care providers are already required to submit criminal record clearances, including fingerprints, to the Department of Justice (DOJ) as a condition of obtaining and maintaining a State license. Violation of this provision will result in the immediate assessment of a civil penalty and may result in the denial, suspension, or revocation of the license. Subsequent violations will result in additional civil penalties.

The State is currently developing procedures to provide counties and other local agencies better access to the DOJ criminal data base information. In addition, the State will implement administrative changes to strengthen reporting requirements for foster and child care providers on July 1, 2009, including comparing DOJ sex offender files against the Child Welfare Services/Case Management System placement information for county-licensed foster and child care providers. County welfare departments will be required to investigate any address matches, and to check all prospective licensure applicants and foster homes against the Megan's Law Public website. Upon positive findings, county welfare departments may take appropriate action, which may include licensure and placement denial, or removal of children from the placement. Current law and recent administrative actions taken by the State and the County will improve enforcement, monitoring and reporting on registered sex offenders by licensed foster and child care providers. Therefore, the CEO will work with DCFS and DPSS to assess the impact of these new reporting requirements before pursuing legislation to strengthen existing law.

Uniform Implementation of Electronic Signatures. This proposal would require the State and counties to develop priorities and an implementation plan to incorporate the use of an electronic signature in some or all of the following programs: CalWORKs, Medi-Cal, Food Stamps, In-Home Supportive Services, and Child Welfare Services. This process would facilitate implementation of on-line applications for human services programs, the electronic submission of documents by recipients, cost savings and efficiencies in service delivery, and improved access to services. After further evaluation and consultation with interested parties in Sacramento, it has been determined that this issue will be pursued administratively with the California Departments of Social Services and Health Care Services. Therefore, the Sacramento

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advocates will not seek County-sponsored legislation to require the State to develop a plan for the uniform implementation of electronic signatures.

We will continue to keep you advised.

WTF:GK:MAL
MR:VE:er

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants